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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Commissioner

**DEP FEES AND PROGRAM IMPROVEMENTS
REGULATION PACKAGE 2006-1**

With proposed amendments to:

310 CMR 4.00, TIMELY ACTION SCHEDULE AND FEE PROVISIONS

June 19, 2006

FOR AGENCY REVIEW AND PUBLIC HEARING

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I. SUMMARY OF PROPOSED AMENDMENTS

Massachusetts General Law (M.G.L.) chapter 21A, section 18 authorizes the Department of Environmental Protection to establish permitting and compliance fees, and schedules for timely action on permit applications. Department fees are established by regulation in 310 CMR 4.00 et seq. The purpose of these regulations is to provide for the orderly and efficient administration of the regulatory programs administered by the Department thereby contributing to the protection of the public health and safety and of the environment.

Bureau of Waste Prevention

Air Quality Control

The deletion of AQ10 permit fee category for plan approvals/minor modifications is proposed to maintain regulatory consistency and eliminate redundancy following changes in Air Quality Program requirements.

Solid Waste

Amendments are proposed that will clarify the applicability of annual compliance fee categories to permitted landfills. A new permit category, SW44, is proposed for modification of a previously approved determination of beneficial use with a permit fee of \$925 and citations are being corrected for Beneficial Use Determinations under SW39, SW40, SW41 and SW42.

Bureau of Resource Protection

Watershed Management

Compliance fee categories are amended to clarify the title of the Withdrawal category, to specify which Surface Water permit categories pay an annual fee, and to clarify that only the single highest fee is paid when a facility holds more than one Surface Water permit.

Permit categories WM08 and WM10-12 are being amended to clarify applicability by citation. Category WM13 is amended to delete redundant sub categories for stormwater and non-contact cooling water. A new application fee category of WM14 is proposed for other general permit notifications for surface water dischargers. A fee reduction of \$155 is proposed for WM09 storm-water management plans.

Water Pollution Control

Permit categories for Title 5 are changed in coordination with pending program regulation amendment proposals: adding a presumptive approval and shorter timeline to WP57 Recirculating Sand Filter or Equivalent Alternative Technology and to WP64 Tight Tanks; and adding a new category at WP70 for Alternative Design Flow with a \$627 fee.

Water Supply

The proposed amendments extend the timelines for new source approvals and pump tests under permit category WS17.

Department- wide Permits

A new fee category of DEP02 for Dental Mercury Amalgam Recycling Certification is proposed in conjunction with recently adopted Departmental regulations requiring dental practices to implement specific operational practices to prevent mercury in waste amalgam from being released into trash, air and wastewater. An estimated 2,255 dental practices and facilities are required to comply with the regulations. A proposed permit fee of \$400 per certification filed every 5 years is proposed to cover the Department's costs for program implementation. Dental facilities that are exempt from the regulation (because they do not generate waste mercury amalgam) are required to submit a one-time certification establishing their exemption; these facilities would be excluded from the fee. Participants in a recent voluntary program will not need to start complying with these regulations or pay fees until 2010 if they joined in the program's initial year, or pay fees until 2007 if they joined in the program's second year.

Program regulations were promulgated on March 24, 2006, and took effect on April 24, 2006. The regulations require dental facilities that did not participate in the voluntary program to install amalgam separators and file certifications with the Department by June 22, 2006. The Department is proposing to establish a one-time compliance fee of \$400 to be paid by these dental facilities upon receipt of a notice from the Department. This fee would support the Department's implementation of the program for this group of facilities. Their next certification and fee would be due in 2011.

General

The amendment to the Department's Tardy Action / refund section at 4.04 allows the applicant to accept an extended review schedule in lieu of receiving a refund. As a practical matter, for example this provision will allow the applicant and the Department to avoid unnecessary paperwork in certain cases where a refund may be due but an applicant can correct a deficiency and avoid a permit denial and reapplication.

II. SCHEDULE FOR PROMULGATING REGULATIONS

Proposed regulations approved for public hearing. Notification of hearings and proposed amendments mailed to all appropriate agencies, groups and registered interested parties as required.	June 23, 2006
Hearing notice published in newspapers and posted with amendment text on DEP website.	July 14, 2006
Hearing Notice published in MA Register.	July 28, 2006
Public Hearings.	August 7, 2006 August 8, 2006
End of public comment period	August 18, 2006
Public comment document and proposed final regulation amendment text submitted to EOEa and A&F for review and Approval.	September 1, 2006
Filing Form submitted to Secretary of the Commonwealth.	September 22, 2006
Final amendment text published in the MA Register.	October 6, 2006

III. NOTICE OF PUBLIC HEARING

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection

NOTICE

Notice is hereby given that the Executive Office of Environmental Affairs and Department of Environmental Protection, acting in accordance with the provisions of M.G.L. Chapter 21A, §18 will hold public hearings on Fee Regulation Package 2006-1 with amendments to 310 CMR 4.00, Timely Action Schedule and Fee Provisions. The proposed amendments will add, delete, or otherwise amend review schedules and fees for Air Quality, Solid Waste, Water Supply, Water Pollution Control, and Dental Mercury Amalgam Collection and Recycling programs.

Public Hearings will be conducted under the provisions of Chapter 30A of the Massachusetts General Laws on:
August 7, 2006 -- Worcester - 10:00 a.m.
Department of Environmental Protection, Central Regional Office, 627 Main Street
August 7, 2006 -- Springfield - 2:00 p.m.
Department of Environmental Protection, Western Regional Office, 436 Dwight Street
August 8, 2006 -- Boston -- 10:00 a.m.
Department of Environmental Protection, One Winter Street

Testimony may be presented orally or in writing at the public hearings. In addition, written comments will be accepted at the address below until 5:00 p.m. on August 18, 2006. Please submit three copies of any written testimony. Written testimony must be submitted to: Jay Eberle, 3rd Floor, Department of Environmental Protection, One Winter Street, Boston, MA 02108

Copies of the regulations and background documents will be available at the DEP website: www.state.ma.us/dep and during normal business hours at DEP Boston Info Center and the following regional office Service Centers:

DEP Northeast Region, 205B Lowell St., Wilmington, MA (978) 694-3200
DEP Southeast Region, 20 Riverside Drive, Lakeville, MA (508) 946-2714
DEP Western Region, 436 Dwight Street, Suite 402, Springfield, MA (413) 784-1100 x2214
DEP Central Region, 627 Main Street, Worcester, MA (508) 792-7683

This information is available in alternate format upon request to: ADA Coordinator, BAS/HR, 4th Floor, One Winter Street, Boston, MA 02108 at (617) 574-6872.
For special accommodations for this event, call (617) 292-5810/ One winter Street, 3rd floor, Boston, MA 02108.
The DEP Boston Info Center may be reached at 1-800-462-0444.

By order of the Department
Robert W. Golledge, Jr., Commissioner

IV. AMENDMENTS TO 310 CMR 4.00
TIMELY ACTION SCHEDULE AND FEE PROVISIONS

Established pursuant to M.G.L. Chapter 21A, § 18,

6/19/06 initial INDEX PACKAGE 06-1 Fee Regulation Amendments 310 CMR 4.00

page	section	category	description of change
<u>Annual Compliance Assurance Fees effective October 6, 2006</u>			
74	4.03(1)(k)	WM	New section to allow Surface Water dischargers to pay the single highest fee when holding more than one permit
74	4.03(2) Table	ERP	<u>Dental Mercury Amalgam Collection and Recycling Certifier</u> –\$400 filers 4/24/06 through 7/27/06; a one time implementation fee
75	4.03(2) Table	SW	<u>Landfill</u> – clarify by specifying permits SW10 and SW25
75	4.03(2) Table	SW	<u>Inactive Landfill</u> – clarify by adding permit reference SW43 or an Approved Post Closure Monitoring Plan
76	4.03(2)Table	WM	<u>Watershed Management Permit</u> - change name to <u>Withdrawal Permit</u>
76	4.03(2)Table	WM	<u>Surface Water discharge</u> –exclude WM08,WM09, WM10, WM14
76	4.03(2)Table	WM	<u>All other Surface Water discharges</u> – change title to Surface Water Dischargers holding permit WM06 that are not subject to a Higher compliance fee, and WM12 and WM13
76	4.03(2)Table	WM	<u>Discharge Non-Process Water</u> – clarify by adding Surface Water to title, define as holding permits WM11 and WM14
General			
83	4.04(2)(d)3		Tardy Action by Department – applicant may agree to apply a refund to extending a review schedule

Schedule for Timely Action and Permit Application Fees effective October 6, 2006

94	4.10(2)(j)(1)	AQ10	<u>Operating Permit</u> - delete category
110	4.10(4)(z)(1)	SW39	<u>Beneficial Use Determination</u> correct citation to 19.060(14)
110	4.10(4)(aa)(1)	SW40	<u>Beneficial Use Determination</u> correct citation to 19.060(15)
111	4.10(4)(aa)(2)	SW41	<u>Beneficial Use Determination</u> correct citation to 19.060(16)
111	4.10(4)(aa)(3)	SW42	<u>Beneficial Use Determination</u> correct citation to 19.060(17)
111	4.10(4)(aa)(4)	SW44	<u>Beneficial Use Determination Modification</u> – add new category; \$ 925
125	4.10(5)(x)	WS17	<u>Water Quality Assurance</u> - extend timeline
130.2	4.10(5)(tt)	WM08	<u>General Permit Notification storm water discharge</u> – clarify by adding 314 CMR 3.06
130.2	4.10(5)(uu)	WM09	<u>Stormwater Management Plan</u> - – reduce fee from \$930 to \$775, clarify by adding reference EPA general permit and citation 314 CMR 3.06
130.3	4.10(5)(vv)	WM10	<u>General Permit Notification-constructn site dewater</u> -add 314 CMR 3.06
130.3	4.10(5)(ww)	WM11	<u>General Permit Notification – non-contact cooling water</u> -add 314 CMR 3.06
130.3	4.10(5)(xx)	WM12	<u>General Permit Notification</u> -groundwater remediati n –add 314 CMR 3.06
130.4	4.10(5)(yy)	WM13	<u>General Permit Notification -storm water discharge</u> delete reference to stormwater and non-contact cooling water, add 314 CMR 3.06
130.4	4.10(5)(zz)	WM14	<u>General Permit for Discharges to Surface Water</u> – add new category pursuant to 314 CMR 3.06 with \$ 385 fee and timeline 30-30-20-30 WM14 will have multiple sub-categories by policy
130.4	4.10(7)(a)(1)	WP57	Title 5 <u>Recirculating sand filter</u> -add presumptive approval, shorten timeline
130.7	4.10(7)(a)(8)	WP64	Title 5 <u>Alternative technology/Tight Tanks</u> add presumptive approval and shorten timeline for tight tank
130.8	4.10(7)(a)(12)	WP70	Title 5 <u>Alternative Design Flow</u> -add new category \$ 627
150.1	4.10(11)(b)	DEP02	<u>Dental Mercury Recycling Certification</u> - add new category \$400

6/19/06 Initial Highlight/Strikeout amendments

FEE REGULATION PACKAGE 06-1 310 CMR 4.00

Regulation page 74

4.03(1) add new section

(k) Notwithstanding 310 CMR 4.03(1)(b), a surface water discharger with multiple surface water permits shall pay the single highest applicable annual compliance assurance fee.

4.03(2) Table

ENVIRONMENTAL RESULTS PROGRAM

\$400	Dental Mercury Amalgam Collection and Recycling Certifier - initial certification pursuant to 310 CMR 70.00 and 310 CMR 73.00 received April 24, 2006 through July 27, 2006, but excluding dental facilities and practices filing one-time certifications pursuant to 310 CMR 73.03(1); one-time fee is effective October 6, 2006
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Regulation page 75

4.03(2) Table

SOLID WASTE

\$14,240	Landfill holding permit SW10 Authorization to Operate and or permit SW25 Landfill Closure/ Corrective Action Design, Landfill permitted to receive waste for disposal until final closure and any landfill with an approved closure plan (SW25) until final closing excluding permits for woodwaste landfill and landfill permitted to received less than ten tons per day/3120 tons per year, effective June 27, 2003
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\$1,140	Inactive Landfill holding permit SW43 Closure Completion or an Approved Post Closure Monitoring Plan, with post closure monitoring , effective June 27, 2003
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Regulation page 76

4.03(2) Table

WATERSHED MANAGEMENT

\$125	Withdrawal Watershed Management permit and or registration within a single water source considered to be a single river basin as defined by 310 CMR 36.03 and 313 CMR 4.03, effective June 27, 2003
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\$8,790	Surface Water Discharge (NPDES) of 150,000 gpd or greater; or requiring more than secondary treatment; or from a categorical industry with pretreatment standards at 40 CFR 400.00 <i>et seq.</i> ; or from marine or pipeline oil terminal; or of noncontact cooling water in excess 1 mgd, and excluding 310 CMR 4.10(6)(tt), (uu), (vv), and (zz), effective October 6, 2006 June 27, 2003
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\$1,490

All other Surface Water Discharge Permit WM06 Type I Facility with no higher applicable compliance fee, and General Permit Notifications WM12 for groundwater remediation and WM13 minor non-process wastewater, ~~excluding 310 CMR 4.10(6)(tt) and 310 CMR 4.10(6)(vv) permits, effective October 6, 2006~~ June 27, 2003

\$175

Surface Water Discharge General Permit Notification WM11 for non-contact cooling water and WM14, effective October 6, 2006 ~~Discharge of non-process water not subject to anti-degradation provision of 314 CMR 4.00, excluding 310 CMR 4.10(6)(tt) and 310 CMR 4.10(6)(vv) permits, effective June 27, 2003~~

Regulation page 83 Permit Review Schedule

4.04(d)3 Tardy Action by Department

3. Tardy Action by Department.

a. Should the Department fail to take timely action on a permit application within any interim review period, subject to any adjustment required by 310 CMR 4.04(2)(d)2., one day shall be subtracted from the number of days allowed for the Department's next action in the appropriate schedule for each day that the Department's action is tardy, unless the schedule for taking such action has been extended pursuant to 310 CMR 4.04(2)(e) or (f).

b. Should the Department fail to take timely action on a permit application within any final review period, subject to any adjustment required by 310 CMR 4.04(2)(d)2 and 4.04(2)(d)3.a., the Department shall refund the permit application fee paid by the applicant, unless the schedule for taking such action has been extended pursuant to 310 CMR 4.04(2)(e) or (f). The Department shall continue to process the permit application following a refund. **The applicant may agree to accept an extended review schedule in lieu of receiving a refund.**

c. Notwithstanding 310 CMR 4.04(2)(d)3.b., the Department shall continue to process a permit application pursuant to M.G.L. c. 21E and 310 CMR 40.0000 on a high priority basis.

Regulation page 94

Operating Permits

~~(j) (1) (BWPAQ10) Permits for air quality, plan approvals~~

~~1. Category: 310 CMR 7.00: Appendix C minor modification registration~~

~~2. Description: registration of minor modification to a facility holding an operating permit required by 310 CMR 7.00: Appendix C.~~

~~3. Schedule for timely action: for applications which are filed and fee received on or after June 27, 2003, the Department shall complete a final review within 60 days.~~

~~4. Permit Application Fee: \$430~~

4.10(4) Solid Waste

(z)(1) (BWPSW39) Permits for solid waste management

1. Category: determination of beneficial use - use of secondary materials in commercial products pursuant to **310 CMR 19.060(14)** ~~310 CMR 19.060(13)~~.
2. Description: determination that the proposed use of a solid waste constitutes the beneficial use of a secondary material when reviewed in accordance with **310 CMR 19.060(14)** ~~310 CMR 19.060(13)~~ and that such material is no longer classified as a solid waste per approval.
3. Schedule for timely action: for projects for which applications are filed and fees received on or after **October 6, 2006** ~~October 7, 2005~~,
 - a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 30 days of making a determination of administrative completeness, the Department shall complete a technical review.
 - c. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.
 - d. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
4. Permit application fee: \$ 2,000

(aa)(1) (BWPSW40) Permits for solid waste management

1. Category: determination of beneficial use – use of secondary materials in a DEP regulated system pursuant to **310 CMR 19.060(15)** ~~310 CMR 19.060(14)~~.
2. Description: a determination that the proposed use of a solid waste constitutes the beneficial use of a secondary material when reviewed in accordance with **310 CMR 19.060(15)** ~~310 CMR 19.060(14)~~ and that such material is adequately regulated and no longer classified as a solid waste per approval.
3. Schedule for timely action: for projects for which applications are filed and/or fees received on or after **October 6, 2006** ~~October 7, 2005~~,
 - a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 30 days of making a determination of administrative completeness, the Department shall complete a technical review.
 - c. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.
 - d. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
4. Permit application fee: \$2000

(aa)(2) (BWPSW41) Permits for solid waste management

1. Category: determination of beneficial use – use of secondary materials in restricted applications pursuant to **310 CMR 19.060 (16)** ~~310 CMR 19.060(15)~~.
2. Description: determination that the proposed use of a solid waste constitutes the beneficial use of a secondary material when reviewed in accordance with **310 CMR 19.060 (16)** ~~310 CMR 19.060(15)~~ and that such material is no longer classified as a solid waste per approval.
3. Schedule for timely action: for projects for which applications are filed and fees received on or after **October 6, 2006**, ~~October 7, 2005~~,
 - a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 60 days of making a determination of administrative completeness, the Department shall complete a technical review.
 - c. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.
 - d. Within 60 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
4. Permit application fee: \$3750

(aa)(3) (BWPSW42) Permits for solid waste management

1. Category: determination of beneficial use – use of a secondary material in an unrestricted application pursuant to **310 CMR 19.060 (17)** ~~310 CMR 19.060(16)~~.
2. Description: a determination that the proposed use of a solid waste constitutes the beneficial use of a secondary material when reviewed in accordance with **310 CMR 19.060 (17)** ~~310 CMR 19.060(16)~~ and that such material is no longer classified as a solid waste per approval.
3. Schedule of Timely Action: For projects for which applications are filed and/or fees received on or after **October 6, 2006**, ~~October 7, 2005~~ individual rule project subject to 310 CMR 4.05.
4. Permit application fee: individual rule project subject to 310 CMR 4.05.

(aa)(4) (BWPSW44) Permits for solid waste management

1. Category: determination of beneficial use – modification
2. Description: Modification of a previously approved determination of beneficial use permit in accordance with 310 CMR 19.060.
3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006,
 - a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 30 days of making a determination of administrative completeness, the Department shall complete a technical review.
 - c. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.

d. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.

4. Permit application fee: \$925

Regulation page 125

4.10(5) Water Supply

Water Quality Assurance/ New Source Approval

(x) (BRPWS17) Permits for water supply, water quality assurance: new source approval

1. Category: Approval to site source 70 gallons per minute or greater and to conduct pumping test.

2. Description: approval of exploratory phase work, site screening, site examination, land use survey, and to conduct pumping test pursuant to 310 CMR 22.21.

3. Schedule for timely action: for projects for which applications are filed and fees received on or after **October 6, 2006**, ~~October 7, 2005~~

a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.

b. Within **90** 45 days of making a determination of administrative completeness, the Department shall complete a technical review.

c. The permit applicant may remedy identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.

d. Within **60** 45 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.

4. Permit application fee: \$3950

Regulation page 130.2

4.10(5) Watershed Management

(tt) (BRPWM08) Permits for watershed management.

1. Category: general permit notice of intent **for stormwater**.

2. Description: general permit notification for discharges not required to have an individual surface water discharge (NPDES) permit pursuant to **314 CMR 3.06** and that file and qualify for inclusion in EPA's NPDES general permit for stormwater.

3. Schedule for timely action: for projects for which applications are filed and fees received on or after **October 6, 2006**, ~~June 27, 2003~~,

a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete a technical review.

b. The permit applicant may remedy identified deficiencies within 30 days of the Department's statement identifying deficiencies, if any.

c. Within 20 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.

4. Permit application fee: \$80

- (uu) (BRPWM09) Permits for watershed management.
1. Category: approval of stormwater management plan
 2. Description: review and approval of a stormwater management plan for discharges to Outstanding Resource Waters and coastal Areas of Critical Environmental Concern and other stormwater discharges pursuant to 314 CMR 3.06 as required by the Department, and that file and qualify for inclusion in EPA's NPDES general permit for stormwater.
 3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006, ~~June 27, 2003~~,
 - a. Within 30 days of receipt of an application and payment of the appropriate fee, the Department shall complete an administrative completeness review.
 - b. Within 60 days of making a determination of administrative completion, the Department shall complete a technical review.
 - c. The permit applicant may remedy any identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.
 - d. Within 60 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review and approve or disapprove the plan.
 4. Permit application fee: \$775 ~~\$930~~

Regulation page 130.3

- (vv) (BRPWM10) Permits for watershed management.
1. Category: general permit for construction site dewatering.
 2. Description: permit to discharge construction site dewatering to surface water pursuant to 314 CMR 3.06 under the provisions of a general permit issued by U.S. Environmental Protection Agency and certified by the Department or a general permit issued by the Department.
 3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006, ~~June 27, 2003~~,
 - a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete a technical review.
 - b. The permit applicant may remedy any identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.
 - c. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
 - d. Within 30 days of the close of the period for public comment, including any public hearing, the Department shall complete a public comment review.
 2. Permit application fee: \$385.
- (ww) (BRPWM11) Permits for watershed management.
1. Category: general permit for non-contact cooling water.
 2. Description: permit to discharge non-contact cooling water to surface water

for discharges less than 1.0 MGD under the provisions of a general permit issued by U.S. Environmental Protection Agency and certified by the Department or a general permit pursuant to 314 CMR 3.06 issued by the Department.

3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006, ~~June 27, 2003~~,

a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete a technical review.

b. The permit applicant may remedy any identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.

c. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.

d. Within 30 days of the close of the period for public comment, including any public hearing, the Department shall complete a public comment review.

4. Permit application fee: \$385

(xx) (BRPWM12) Permits for watershed management.

1. Category: general permit for groundwater remediation.

2. Description: general permit to discharge treated groundwater from 21E remediation sites to surface water under the provisions of a general permit issued by U.S. Environmental Protection Agency and certified by the Department for a general permit pursuant to 314 CMR 3.06 issued by the Department.

3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006, ~~June 27, 2003~~,

a. Within 30 days of receipt of a application and payment of the permit application fee, the Department shall complete a technical review.

b. The permit applicant may remedy any identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.

c. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.

d. Within 30 days of the close of the period for public comment, including any public hearing, the Department shall complete a public comment review.

4. Permit application fee: \$775

Regulation page 130.4

(yy) (BRPWM13) Permits for watershed management.

1. Category: general permit for minor non-process wastewater discharges.

2. Description: general permit to discharge wastewater from minor discharges pursuant to 314 CMR 3.06 which includes ~~stormwater, non-contact cooling water,~~ underdrains from sand filter systems and other discharges which are not subject to traditional wastewater treatment systems.

3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006, ~~June 27, 2003~~,

- a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 60 days of making a determination of administrative completeness or receipt of EPA's draft permit, whichever is later, the Department shall complete a technical review.
 - c. The permit applicant may remedy any identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.
 - d. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
 - e. Within 30 days of the close of the period for public comment, including any public hearing, the Department shall complete a public comment review.
4. Permit application fee: \$775

(zz) (BRPWM14) Permits for watershed management.

1. Category: general permit for surface water discharges, notice of intent.
2. Description: general permit notification for discharges not required to have an individual surface water discharge (NPDES) permit pursuant to 314 CMR 3.06 and that file and qualify for inclusion in an EPA NPDES general permit category.
3. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006,
 - a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete a technical review.
 - b. The permit applicant may remedy identified deficiencies within 30 days of the Department's statement identifying deficiencies, if any.
 - c. Within 20 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
 - d. Within 30 days after the end of public comment period, if any, the Department shall complete a final review.
4. Permit application fee: \$ 385

Regulation Page 130.4

4.10(7) Water Pollution Control

(a)(1) (BRPWP57) Permits for Water Pollution Control: Title 5

1. Category: approval for installation of a recirculating sand filter or approved equivalent alternative technology pursuant to 310 CMR 15.202.
2. Schedule for timely action: for projects for which applications are filed and fees received on or after **October 6, 2006,** ~~June 27, 2003,~~
 - a. Within ~~60~~ **30** days of receipt of an application and payment of the permit application fee, **the permit is presumptively approved unless the Department approves the permit with conditions, denies the permit, or issues a statement of technical deficiencies.** ~~the Department shall complete a technical review.~~

- b. The permit applicant may remedy identified deficiencies within **30** ~~60~~ days of the Department's statement identifying deficiencies, if any.
- c. Within **30** ~~60~~ days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
- 3. Permit application fee: \$430

Regulation Page 130.7

- (a)(8) (BRPWP64) Permits for Water Pollution Control: Title 5
 - 1. Category: approval of site use of alternative technology not included in other categories, and approval of tight tanks.
 - 2. Description:
 - a. Approval of a tight tank pursuant to 310 CMR 15.260, or
 - b. Approval of installation of an alternative system for pilot use pursuant to 310 CMR 15.281 and 15.285, excluding approved grease devices or systems approved pursuant to BRPWP61 for piloting, provisional or general use, and excluding permits under BRPWP57, or
 - c. Approval of installation of alternative system pursuant to 310 CMR 15.284 for remedial use.
 - 3. Schedule for timely action: for projects for which applications are filed and fees received on or after **October 6, 2006**, ~~June 27, 2003~~,
 - a. **Tight Tanks**
 - i. **Within 30 days of receipt of an application and payment of the permit application fee, the permit is presumptively approved unless the Department approves the permit with conditions, denies the permit, or issues a statement of technical deficiencies.**
 - ii. **The permit applicant may remedy identified deficiencies within 30 days of the Department's statement identifying deficiencies, if any.**
 - iii. **Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.**
 - b. **Installation of alternative system for pilot use or remedial use**
 - i. **Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative review.**
 - ii. **Within 60 days of making a determination of administrative completeness, the Department shall complete a technical review.**
 - iii. **The permit applicant may remedy identified deficiencies within 60 days of the Department's statement identifying deficiencies, if any.**
 - iv. **Within 60 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.**
 - e.
 - d.
 - 4. Permit application fee: \$430.

Regulation Page 130.8 add a new permit category after WP67

(a)(12) (BRPWP70) Permits for Water Pollution Control: Title 5

1. Category: request for alternative design flow pursuant to 310 CMR 15.203(6).
2. Schedule for timely action: for projects for which applications are filed and fees received on or after October 6, 2006,
 - a. Within 60 days of receipt of an application and payment of the permit application fee, the Department shall complete a technical review.
 - b. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.
 - c. Within 30 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
3. Permit application fee: \$ 627.

Regulation page 150.1

4.10(11) Department-wide Permits add a new permit

(b) (DEP02) Permits for Dental Mercury Amalgam Recycling

1. Category: Certification of Dental Mercury Amalgam Collection and Recycling.
2. Description: Certification of dental facilities and practices subject to collection and recycling dental mercury amalgam pursuant to 310 CMR 70.00 and 310 CMR 73.00, but excluding dental facilities and practices filing one-time certifications pursuant to 310 CMR 73.03(1) to establish their exemption from the provisions of 310 CMR 70.00 and 310 CMR 73.00,
 - a. Within 60 days of receipt of an application and payment of the application fee, the Department shall complete an administrative and technical review.
 - b. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any,
 - c. Within 60 days of receipt of materials in response to the Department's statement identifying deficiencies, the Department shall complete a final review.
3. Permit application fee: \$400